

EXHIBIT DD

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8 Attorneys for Plaintiffs
ELASTICSEARCH, INC. and
ELASTICSEARCH B.V.
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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13 ELASTICSEARCH, INC., a Delaware
14 corporation, and ELASTICSEARCH B.V., a
Dutch corporation,

15 Plaintiffs,

16 v.

17 FLORAGUNN GmbH, a German corporation,

18 Defendant.
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Case No. 4:19-cv-05553-YGR

**PLAINTIFFS ELASTICSEARCH, INC.
AND ELASTICSEARCH B.V.'S
SECOND SET OF REQUESTS FOR
ADMISSION TO DEFENDANT
FLORAGUNN GMBH**

21 PROPOUNDING PARTIES: PLAINTIFFS ELASTICSEARCH, INC. AND
ELASTICSEARCH B.V.

22 RESPONDING PARTY: DEFENDANT FLORAGUNN GMBH

23 SET NUMBER: TWO (NOS. 214–215)
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1 Pursuant to Federal Rule of Civil Procedure 36, Plaintiffs Elasticsearch, Inc. and
2 elasticsearch B.V. hereby propound the following Requests for Admission (“Requests”) on
3 Defendant floragunn GmbH (“floragunn”). Plaintiffs request that floragunn provide written
4 responses to each of these Requests at the office of O’Melveny & Myers LLP, Two Embarcadero
5 Center, 28th Floor, San Francisco, California 94111, within thirty (30) days of service of these
6 Requests.

7 **DEFINITIONS**

8 Unless the context indicates otherwise, the following words and phrases have the meanings given:

9 1. “floragunn” means and refers to floragunn GmbH and includes without limitation
10 its predecessor and successor companies, its subsidiaries and parent companies, its retailers and
11 affiliates, and any and all of its present and former officers, directors, representatives, agents,
12 employees, attorneys, accountants, investigators, or anyone acting or purporting to act on behalf
13 of any such person.

14 2. The term “person” or “persons” mean and refer to natural persons, firms,
15 associations, organizations, partnerships, businesses, trusts, limited liability companies,
16 corporations, and public entities.

17 3. The words “and” and “or” shall be construed in the conjunctive, disjunctive, or
18 both, whichever makes the Requests more inclusive.

19 4. The terms “all” or “any” means “any, all, each, and every.”

20 5. The use of the singular shall be deemed to include the plural and the use of the
21 plural shall be deemed to include the singular.

22 6. Any pronouns shall be construed to refer to the masculine, feminine, or
23 indeterminate gender, in singular or plural, as in each case is most appropriate.

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REQUESTS FOR ADMISSION

REQUEST NO. 214:

Admit that Hendrik Saly has controlled the GitHub account <https://github.com/salyh> continuously from March 4, 2013 to the present.

REQUEST NO. 215:

Admit that from March 4, 2013 to the present no persons other than Hendrik Saly have controlled the GitHub account <https://github.com/salyh>.

Dated: December 23, 2020

DAVID R. EBERHART
JAMES K. ROTHSTEIN
DANIEL H. LEIGH
O'MELVENY & MYERS LLP

By: /s/ David R. Eberhart
David R. Eberhart

Attorneys for Plaintiffs
ELASTICSEARCH, INC. and
ELASTICSEARCH B.V.

PROOF OF SERVICE

I, Daniel H. Leigh, declare: I am over the age of eighteen years and not a party to the within action or proceedings; my business address is: Two Embarcadero Center, 28th Floor, San Francisco, California 94111. On December 23, 2020, I caused to be served the within:

- **PLAINTIFFS ELASTICSEARCH, INC. AND ELASTICSEARCH B.V.'S SECOND SET OF REQUESTS FOR ADMISSION TO DEFENDANT FLORAGUNN GMBH; AND**
- **PROOF OF SERVICE**

on counsel for Defendant floragunn GmbH at the following email address: floragunn-service@kblfirm.com.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration, made in conformity with 28 U.S.C. § 1746, was executed at Staunton, Virginia on December 23, 2020.

/s/ Daniel H. Leigh

Daniel H. Leigh